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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,698	10/29/2003	Christopher Wallace Willoughby	7261.3002.002	5274

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EXAMINER

MORRISON, THOMAS A

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,698

Applicant(s)

WILLOUGHBY ET AL.

Examiner

Thomas A. Morrison

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 22-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-9,11-15,17-18,20 and 21 is/are rejected.
- 7) ☒ Claim(s) 3-6,10,16 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of invention I (i.e., claims 1-21) in the reply filed on April 22, 2005 is acknowledged. The traversal is on the ground(s) that search and examination of the entire application can be made without serious burden to the Examiner or the patent office. This is not found persuasive because the four different inventions require significantly different searches. The December 15, 2004 restriction requirement notes that each of the four (4) inventions has a different classification. As such, searching for each of the four (4) inventions places a substantial burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7, 8 and 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 7, it is unclear which feed roller is referred to in line 3.

Regarding claim 8, it is unclear which feed roller is referred to in line 3.

Claim 17 recites the limitation "the package of medication" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 11-15, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,522,525.

Regarding claim 1, Figs. 1-9 show an apparatus for dispensing packages of medication (10) having dispensatory instructions thereon (see, e.g., column 4, lines 12-20), including

a body (including multiple cassettes 12) having an internal cavity (Fig. 9) and an outlet (near 56);

an actuator (Fig. 2) received in the cavity;

a feed mechanism (48) received in the cavity and in operable communication with the actuator (Fig. 2) for feeding and dispensing the packages of medication toward the outlet (Fig. 9);

a processing unit (14) in operable communication with the actuator (Fig. 2); and

a reading device (68) received in the cavity and in communication with the processing unit (14), the reading device (68) relaying the dispensatory instructions on the packages to the processing unit (14), the processing unit (14) communicating with

the actuator (Fig. 2) and causing the feed mechanism (48) to dispense each of the packages toward the outlet (near 56) at a specified time.

Regarding claim 11, Fig. 1 shows a communication board (including 22) in communication with the processing unit (14), the communication board (including 22) being operable to send an electronic signal to notify a user that it is time to take the medication contained in one of the packages.

Regarding claim 12, Fig. 1 shows that the communication board (including 22) is operable to receive an electronic signal from a user providing the user with the ability to obtain information from the processing unit (14) and the ability to send instructions to the processing unit (14). Instructions can be input via the keyboard. Information can be viewed on the screen 24.

Regarding claim 13, column 4, lines 20 disclose that the reading device (68) is a bar code scanner.

Regarding claim 14, column 4, lines 52-54 disclose that the reading device (68) is an optical character recognition device.

Regarding claim 15, column 1, lines 55-61 disclose that the reading device (68) is operable to read programming instructions on the packages to program the processing unit (14) of the apparatus.

Regarding claim 20, Fig. 1 shows an interface screen (24), the interface screen displaying the current time and the time the next dosage of medication is to be taken.

Regarding claim 21, Fig. 1 shows a plurality of interface keys (22), each of the interface keys (22) capable of changing definition providing each interface key with the ability to program multiple features within the processing unit (14).

4. Claims 1-2, 9, 11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,985,264 (Shaw et al.).

Regarding claim 1, Figs. 1-12 show an apparatus for dispensing packages of medication (14) having dispensatory instructions thereon (see, e.g., column 3, lines 38-45), including

a body (19) having an internal cavity and an outlet (22);

an actuator (65) received in the cavity;

a feed mechanism (including 36, 60 and 62) received in the cavity and in operable communication with the actuator (65) for feeding and dispensing the packages of medication toward the outlet (22);

a processing unit (Fig. 12) in operable communication with the actuator (65); and

a reading device (38) received in the cavity and in communication with the processing unit (Fig. 12), the reading device (38) relaying the dispensatory instructions on the packages to the processing unit (Fig. 12), the processing unit (Fig. 12) communicating with the actuator (65) and causing the feed mechanism (including 36, 60 and 62) to dispense each of the packages toward the outlet (22) at a specified time.

Regarding claim 2, Fig. 8 shows that the feed mechanism (including 36, 60 and 62) has a pair of feed rollers (60) arranged to engage the packages as the packages pass between the feed rollers (60) and a pair of dispensing rollers (62) arranged to engage the packages as the packages pass between the dispensing rollers (62).

Regarding claim 9, Fig. 8 shows that the pair of feed rollers (60) are positioned in an angled orientation relative to the dispensing rollers (62).

Regarding claim 11, the printout device (66) inherently has a communication board in communication with the processing unit (Fig. 12), the communication board being operable to send an electronic signal to notify a user that it is time to take the medication contained in one of the packages. See, e.g., column 6, lines 1-5.

Regarding claim 15, the reading device (38) is operable to read programming instructions on the packages to program the processing unit (Fig. 12) of the apparatus.

Allowable Subject Matter


5. Claims 3-6, 10, 16 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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